

**DECEMBER 4, 2006**  
**PARMA CITY COUNCIL REGULAR MEETING**  
**PARMA COUNCIL CHAMBERS**  
**7:00 PM**

The Regular Council Meeting was called to order by President of Council Charles M. Germana, presiding.

COUNCIL MEMBERS PRESENT:

LARRY NAPOLI  
KENNETH A. RAMSER  
TOM REGAS  
SCOTT TUMA  
SEAN BRENNAN  
NICHOLAS CELEBREZZE  
BRIAN DAY  
MARY GALINAS

COUNCIL MEMBER ABSENT:

ROY J. JECH

Mr. Mastroianni - Mr. Chairman, the Roll of Council has been called, and I find a quorum of Council Members present.

The following officials and department heads were also present: Mayor Dean DePiero, Auditor Dennis Kish, Law Director Timothy Dobeck, Treasurer Anthony Zielinski, Service Director Brian Higgins, Safety Director Gregory Baeppler, Recreation Commissioner Mickey Vittardi, Building Commissioner/City Engineer Paul Deichmann, Assistant Building Commissioner Don Graves, Communications Director Powell Caesar, Senior Citizen Director Jo Ann Mason, Economic Development Officer Shelley Cullins, Public Housing Director Lev Kulchytsky, Community Development Director Erik Tollerup, Mayor's Administrative Assistant Meghann McCall, and Clerk of Council Tom Mastroianni.

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**INVOCATION**

The Invocation was given by Clerk of Council Tom Mastroianni.

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**PLEDGE ALLEGIANCE TO THE AMERICAN FLAG**

Led by Cub Scout Pack 73 – St. Charles Church

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**LEGISLATIVE COMMENT**

Mr. Germana – Asked if anyone in the public wished to comment on any piece of legislation up for passage this evening. No one came forward.

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## **DISPOSAL OF THE JOURNAL**

Mr. Germana – We have before us the Minutes of the Regular Council Meeting of November 13, 2006. Are there any changes or additions? Seeing none; the Minutes shall stand approved as printed.

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### **RESOLUTIONS:**

#### **RESOLUTION NO. 411-06**

12/4/06

L-412-06

BY: S. Brennan and City Council

A RESOLUTION HONORING AND RECOGNIZING ST. CHARLES CATHOLIC  
CHURCH CUB SCOUTS PACK 73 FOR THEIR CHARITABLE ACTIVITIES

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Resolution No. 411-06. Motion carried.

Resolution presented by Councilman Brennan and Proclamation presented by Mayor DePiero.

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#### **RESOLUTION NO. 421-06**

12/4/06

L-423-06

BY: K. Ramser and City Council

A RESOLUTION HONORING HOLY FAMILY VARSITY FOOTBALL TEAM ON  
THEIR 2006 CITY CHAMPIONSHIP

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Resolution No. 421-06. Motion carried.

Resolution presented by Councilman Ramser and Proclamation presented by Mayor DePiero.

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#### **RESOLUTION NO. 407-06**

12/4/06

L-408-06

BY: B. Day, M. Galinas and City Council

A RESOLUTION HONORING HOLY NAME HIGH SCHOOL GIRLS SOCCER  
TEAM DIVISION II 2006 STATE CHAMPIONS

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Resolution No. 407-06. Motion carried.

Resolution presented by Councilman Day and Proclamation presented by Mayor DePiero.

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**RESOLUTION NO. 409-06**

12/4/06

L-410-06

BY: K. Ramser and City Council

**A RESOLUTION HONORING AND RECOGNIZING NICK HAVIARAS FOR  
HIS HEROIC ACTIONS ON NOVEMBER 7, 2006**

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Resolution No. 409-06. Motion carried.

Resolution presented by Councilman Ramser and Proclamation presented by Mayor DePiero. Mayor DePiero honored him with the Key to the City and as Citizen of the Month. State Representative DeGeeter supplied him a State House Resolution.

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**COMMUNICATIONS, PETITIONS AND CLAIMS**

The Parma Board of Zoning Appeals met on Tuesday, November 14, 2006, and proposed to vary for the applicant Randy Bowers, Civil & Civil Environmental Technologies, LLC, 101 N. Meadows Dr. Suite 134, Wexford, PA 15090, for a new Starbucks Coffee Co. at the SE corner of Snow and Broadview Roads. The permanent parcels are 445-16-010 and 009.

1. Area variance of PCO 1170.08 – Commercial Office Districts – Schedule of Yard and Height Regulations. The variance would result in five feet less setback from the street right of way than Code requires. There was a stipulation that the building setback variance granted be subject to the landscaped area at the south side of the building be not more than eleven feet in width.
2. Area variance of PCO 1197.05(27) – Off Street Parking and Loading Facilities – Schedule of Required Parking – Eating Places, Bars, Taverns. The variance would result in three less parking spaces as required for 800 sq. ft. public area and two less standing places for the drive-thru than Code requires.
3. Area variance of PCO 1197.08(d) – Off Street Parking and Loading Facilities – Access Driveways. This variance would result in twenty feet and fifteen feet less radius on north side (Snow Rd.) and ten feet less radius of edge of driveway apron on Broadview Road than Code requires.
4. Area variance of PCO Section 1197.11 (c) – Off Street Parking and Loading Facilities - Size of Loading Space. This variance would result in not providing loading space adequately. There is a stipulation that the north side entrance be widen to twenty six feet; the extension of parking spaces (on west) from 6 to 7 (however it fits best); the ramp and the handicapped parking will move to the north to the first two parking spaces (and leave the dotted line for the loading area); soften the ten foot radius possibly to fifteen feet on the southwest entrance off of Broadview; and possibly shrink the fifteen feet down; and the auto-turn program plan will be submitted to the Engineering Department for review.
5. Area variance of PCO 1199.07(c) – Screening and Buffering - Buffer Areas for Yards, Abutting Public Streets and Parking Lots. This variance would result in no landscape buffer strip between sidewalk and parking lot on north side of building. It is stipulated that a buffer strip of three feet be on the east side of the building and a buffer strip of less than four feet on the north side of the building and on the west of the building that it be not less than four feet where that seventh parking space is installed.

All members of the BOZA voted to grant the above five variances with stipulated as stated.

Mr. Germana – Stated that the above Variances will be referred to the Planning Committee.

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Ohio Division of Liquor Control, notice to Legislative Authority for a new C-, C2, and D6 license to Tal's Beverage & Gourmet Shoppe Inc., 5747 Ridge Road, Parma, Ohio, 44129 was mailed on November 22, 2006 with responses to be postmarked by December 26, 2006.

Mr. Germana – Said liquor permit shall be referred to the Safety Director and Ward Council.

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Ohio Division of Liquor Control, Notices to Legislative Authority for a Liquor Agency Contract and transfer of a C1 and C2 license to Minotti Group LLC dba Minotti's Parma Wine and Liquor, 7526 Broadview Road, Parma, Ohio 44134. These were mailed on November 28, 2006 with responses being postmarked no later than December 29, 2006.

Mr. Germana – Said liquor permit shall be referred to the Safety Director and Ward Council.

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Correspondence was received from Ohio Senator Dale Miller regarding Resolution No. 358-06 supporting House Bill 644 which would designate November as "Epilepsy Awareness Month".

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### **FIRST READING:**

#### **ORDINANCE NO. 415-06**

12/4/06

L-416-06

BY: S.M. Tuma

(By Request – Clerk of Court)

AN ORDINANCE AUTHORIZING THE CLERK OF COURT TO ENTER INTO  
A CONTRACT WITH INNOVARE SOLUTIONS, LLC, FOR SOFTWARE  
SUPPORT AT THE PARMA JUSTICE CENTER, AND DECLARING AN  
EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Finance Committee.

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#### **ORDINANCE NO. 416-06**

12/4/06

L-417-06

BY: S.M. Tuma

(By Request – Clerk of Court)

AN ORDINANCE AUTHORIZING THE CLERK OF COURT TO ENTER INTO A  
CONTRACT WITH INNOVARE SOLUTIONS, LLC, FOR CUSTOM SOFTWARE  
AT THE PARMA JUSTICE CENTER, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Finance Committee.

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**ORDINANCE NO. 417-06**

12/4/06

L-418-06

By: S. Brennan, S.M. Tuma  
(By Request – Human Resources Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR WORKERS' COMPENSATION SERVICES FOR THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Governmental Operations and Finance Committees.

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**ORDINANCE NO. 420-06**

12/4/06

L-422-06

By: S. Brennan

AN ORDINANCE TO REPEAL SUBSECTION (b) OF SECTION 1519.11 "POLITICAL SIGNS" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA

Mr. Germana – Said Ordinance shall be referred to the Public Safety Committee.

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**ORDINANCE NO. 424-06**

12/4/06

L-426-06

By: M. Galinas

AN ORDINANCE TO AMEND A PORTION OF SECTION 161.04 "CRIMINAL BACKGROUND CHECKS OF COACHES, ASSISTANTS AND SUPERVISORS; DISQUALIFICATION" OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Public Safety Committee.

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**SECOND READING:**

**ORDINANCE NO. 399-06**

11/20/06

L-400-

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By: S.M. Tuma  
(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR CONSULTING SERVICES FOR THE SALE AND LAND ACQUISITION OF CITY-OWNED PROPERTIES AND EASEMENT SERVICES, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Brennan to hold Ordinance No. 399-06 on Second Reading. Motion carried.

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**ORDINANCE NO. 400-06**

11/20/06

L-401-06

By: S.P. Brennan, R.J. Jech, S.M. Tuma, M. Galinas  
(By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION 1 OF ORDINANCE NO. 269-06 RELATIVE TO THE SERVICES AND THE AMOUNT FOR A CONTRACT WITH COLE AND RUSSELL ARCHITECTS, INC., FOR ARCHITECTURAL DESIGN

SERVICES FOR FIRE STATIONS 1 AND 2 AND TO INCLUDE A SINGLE LINE  
CONCEPT PLAN FOR A PROPOSED STATION 3, AND DECLARING AN  
EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Brennan to hold  
Ordinance No. 400-06 on Second Reading. Motion carried.

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**ORDINANCE NO. 401-06**

11/20/06 L-402-06

By: M. Galinas  
(By Request – Safety Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO  
ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
THE LEASE/PURCHASE OF A HEAVY RESCUE VEHICLE FOR THE PARMA  
FIRE DEPARTMENT AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Brennan to hold  
Ordinance No. 401-06 on Second Reading. Motion carried.

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**ORDINANCE NO. 406-06**

11/20/06 L-407-06

By: S. Brennan  
(By Request – Human Resources Director)

AN ORDINANCE TO AMEND SUBSECTION (d) “SEASONAL EMPLOYEE” OF  
SECTION 173.001 “DEFINITIONS” OF THE CODIFIED ORDINANCES OF THE  
CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Brennan, seconded by Councilman Day to hold Ordinance  
No. 406-06 on Second Reading. Motion carried.

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**THIRD READING:**

**ORDINANCE NO. 316-06**

9/18/06 L-320-06

By: L. Napoli  
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR  
SANITARY SEWER IMPROVEMENTS FOR THE GREEN VALLEY ROAD,  
DAVID AVENUE, ORCHARDVIEW DRIVE, HOWARD STREET AND ROBERT  
DRIVE SANITARY SEWER PROJECT IN THE CITY OF PARMA AND DECLARING  
AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Brennan to hold  
Ordinance No. 316-06 on Third Reading. Motion carried.

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**SUSPENSION OF THE RULES:**

Mr. Germana - Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 418-06, Resolution No. 419-06 and Ordinance No. 422-06 on three different days be dispensed with?

Yes: Brennan, Celebrezze, Day, Galinas, Napoli, Ramser, Regas, Tuma.

No: None; Motion carried.

Mr. Germana - Shall Rule 44 requiring reference to committee be dispensed with and Ordinance No. 418-06, Resolution No. 419-06 and Ordinance No. 422-06 be placed on final passage?

Yes: Brennan, Celebrezze, Day, Galinas, Napoli, Ramser, Regas, Tuma.

No: None; Motion carried.

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**ORDINANCE NO. 418-06**

12/4/06

L-419-06

By: S.M. Tuma

(By Request – Human Resources Director)

AN ORDINANCE TO AMEND SECTION 3 OF ORDINANCE NO. 352-06 TO  
AMEND THE FUND NUMBER FOR HEALTH CARE INSURANCE COVERAGE  
FOR CITY EMPLOYEES, AND DECLARING AN EMERGENCY

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Ordinance No. 418-06.

Yes: Brennan, Celebrezze, Day, Galinas, Napoli, Ramser, Regas, Tuma.

No: None; Motion carried. Ordinance No. 418-06 is adopted.

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**RESOLUTION NO. 419-06**

12/4/06

L-421-06

By: S.M. Tuma

(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION  
OF REQUISITIONS AS DETAILED IN EXHIBIT "A" AND DECLARING AN  
EMERGENCY

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Resolution No. 419-06.

Yes: Brennan, Celebrezze, Day, Galinas, Napoli, Ramser, Regas, Tuma.

No: None; Motion carried. Resolution No. 419-06 is adopted.

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**ORDINANCE NO. 422-06**

12/4/06

L-424-06

By: M. Galinas

(By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SECTION 1 OF ORDINANCE  
NO. 47-06 RELATIVE TO THE AMOUNT FOR THE LEASE/PURCHASE OF  
ONE (1) 2006 CHEVROLET TAHOE FOR THE PARMA POLICE DEPARTMENT  
AND DECLARING AN EMERGENCY

Motion made by Councilman Brennan, seconded by Councilman Day to adopt Ordinance No. 422-06.

Yes: Brennan, Celebrezze, Day, Galinas, Napoli, Ramser, Regas, Tuma.

No: None; Motion carried. Resolution No. 422-06.

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### **PUBLIC COMMENT**

Martin Drabek – 7696 Cecilia Drive – Commented on the area sewer systems and how they are antiquated.

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### **MISCELLEANOUS**

Mayor DePiero – Commented on the Christmas Tree Lighting Ceremony and the Christmas Parade. Commented on the Resolutions presented today.

Service Director Higgins – Commented on the large amount of rain (1.88”) and the possibility that it was conducive to sewer problems in the Cecilia area.

Councilman Brennan – Commented on the Mayor’s newsletter, the Tree Lighting and the Christmas parade. Thanked Jaycees.

Councilman Celebrezze – Congratulated all the Resolution recipients. Commented on his Ward Meeting being held on Thursday (12/7).

Councilman Day – No comment.

Councilwoman Galinas – Complimented Service on the excellent leaf collection services. Mentioned her Ward Meeting on Wednesday (12/6) at St. Bridget’s, the Christmas Parade/Lighting, and the excellent Band at the Parade.

Councilman Napoli – Commented on trying to assist Mr. Drabek and the area residents. Thanked the Service Dept. for getting the buckled street repaired in a timely manner. Complimented Tri-City Shopping Plaza on their updating of the plaza.

Councilman Ramser – Commended Nick Haviaras on being a true hero. He congratulated the Mayor on his appointment to the new Governor’s Transition Team.

Councilman Regas – No comment.

Councilman Tuma – Commented on the Northern Ward Caucus and his finding out about it in the Sun News. Hoped that all of Council could be involved in it as the problems it is addressing affects portions of each Ward. Believes starting a “north/south” mentality would be detrimental. Asked that everyone be informed next time there is a special project prior to going to the newspapers as a courtesy.

Councilman Ramser – Supported Councilman Tuma’s views.

Council President Germana – Commented on the Christmas Parade/Tree Lighting.

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### **REPORT ON ABSENT MEMBER**

Motion made by Councilman Tuma, seconded by Councilman Day to excuse Councilman Jech. Motion carried.

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### **ADJOURNMENT**

Motion made by Councilman Day, seconded by Councilwoman Galinas to adjourn said Council Meeting at 8:10 PM. Motion carried.

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### **C E R T I F I C A T I O N**

I, Tom Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify this true and correct copy of the Minutes of the Regular Council Meeting held on Monday, December 4, 2006.

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TOM MASTROIANNI  
CLERK OF COUNCIL

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CHARLES M. GERMANA  
PRESIDENT OF COUNCIL

Minutes completed on 12/11/06 lly